

Terrell State Hospital.

Enlargement and improvement of sewerage disposal plant\$ 10,250.00

San Antonio State Hospital.

For repairs and additions to sewerage disposal plant\$ 10,000.00

Confederate Woman's Home.

Central heating plant and equipment.....\$ 11,000.00

Tuberculosis Sanatorium.

For elevator equipment for hospital\$ 15,000.00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein and no expenditures shall be made nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of said purposes and any sums not used for the purpose named herein shall revert to the State Terasury.

Sec. 2. The fact that the appropriations heretofore made for the above items are exhausted or will become exhausted before the expiration of the time for which the same were appropriated, creates an emergency and an imperative public necessity which justifies the suspension of the constitutional rule requiring bills to be read on three several days in each House, and the rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Recapitulation.

Educational
Judiciary
Departmental
Eleemosynary
Grand Total

Committee Room.

Austin, Texas, March 4, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 8, A bill to be entitled "An Act to amend Articles 2757 and 2758, Revised Civil Statutes of Texas,

of 1925, relating to the formation of independent school districts and the election of a board of trustees thereof, and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with recommendation that it do pass and be not printed, with the following Committee Amendments:

Committee Amendment No. 1.

Amend H. B. No. 8 by striking out in line 1 of Article 2757, the words "containing one thousand inhabitants or more" and insert in lieu thereof the words "containing seven hundred inhabitants or more."

Committee Amendment No. 2.

Amend H. B. No. 8 by inserting in line 3 of Article 2757 of the bill, between the word "may" and "include" the words "or may not."

WITT, Chairman.

THIRTY-FIFTH DAY

Senate Chamber,

Austin, Texas, March 7, 1927.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Miller.	Wood.
Moore.	

Absent—Excused.

Wirtz.

Woodward.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Lewis.

Petitions and Memorials

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Neal.

S. B. No. 468, A bill to be entitled "An Act to create a more efficient road system for Shelby County, Texas; providing that the commissioners' court shall appoint five highway commissioners, one from each commissioners' precinct and one from the county at large; prescribing their powers and duties; providing that all road funds collected within the county may be used by said highway commissioner to maintain and keep in repair the roads within the county; etc., and declaring an emergency."

Read first time and referred to Committee on Highways and Motor Traffic.

By Senator McFarlane.

S. B. No. 469, A bill to be entitled "An Act to fix the salary of the superintendents of public instruction of each county in Texas having a population of not less than 60,000 nor more than 73,000 according to the last Federal Census; providing for office expenses; repealing all laws and parts of laws in conflict; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Pollard.

S. B. No. 470, A bill to be entitled "An Act to create Road District No. 1 of Van Zandt County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance and sale of certain road bonds thereof, and providing for the payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said Road District; approving and validating all orders of the commissioners' court of said county in respect of said Road District, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

Read first time and referred to Committee on Highways and Motor Traffic.

By Senator Reid.

S. B. No. 471, A bill to be entitled "An Act creating, defining and establishing Road District No. 5 in Briscoe County, Texas, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads and turnpikes, or in aid thereof; providing that said district shall be authorized to issue bonds or otherwise lend its credit for said purpose to an amount not to exceed one-fourth of the assessed valuation of real property situated therein, and levy, assess and collect general ad valorem taxes in payment thereof; providing that said district shall be governed in the issuance of bonds, lending its credit, constructing and maintaining and operating its roads, and all other matters incident thereto by the provisions of the General Law; and declaring an emergency."

Read first time and referred to Committee on Highways and Motor Traffic.

Motion to Place S. J. R. No. 29 on the Calendar.

Senator Love sent up the following written motion:

The undersigned Senators, who favor the ratification by the Legislature of Texas of the proposed amendment to the constitution of the United States relating to Child Labor, move that Senate Joint Resolution No. 29, ratifying said proposed amendment, be placed on the calendar, notwithstanding the adverse committee report thereon.

Love, Westbrook, Fairchild, Wood, Real, Greer, Pollard, Ward.

The motion was read.

Senator Ward moved to lay the motion on the table subject to call.

Senator Stuart made the point of order that the bill could not be brought before the Senate on an unfavorable report.

The Chair sustained the point of order on the following grounds:

On the point of order made by the Senator from Tarrant that an adverse report of the standing committee, no minority favorable report being made, precluded the Senate from considering such bill and that the Committee on Constitutional Amendments having unanimously reported adversely Senate Joint Resolution No. 29, the Senate could not consider such joint resolution—the Chair, Lieutenant Gov-

ernor Miller, sustains the point of order and states:

"Constitution—Article 3, Section 37 provides:

'No bill shall be considered unless it has been first referred to a committee and reported thereon; and no bill shall be passed which has not been presented and referred to and reported from a committee at least three days before the final adjournment of the Legislature.'

"Senate rule 31, page 203 of the Manual (quotes above provision of Constitution and then continues) '**and no vote shall be taken upon the passage of any bill within the last twenty-four hours of the session unless it be to correct an error therein.'

"Rule 31a, page 203 of the Manual is as follows:

"'Whenever any bill is reported favorably by a committee of the Senate or the Senate so directs by its order, such bill shall be printed and a copy thereof shall be laid on the desk of each Senator otherwise ordered by the Senate.

"No bill, except a local bill, shall be considered by the Senate until printed copies of said bill shall have been on the desk of the Senate for at least twenty-four hours; and provided further, that the calendar for each day shall be placed on the desk of each Senator on or before 12 o'clock noon of the preceding day.'"

Under the above rule and the ruling made thereunder by Lieutenant Governor Davidson and followed by Lieutenant Governor Miller, no bill except a local bill shall be considered until printed and no bill shall be printed unless reported favorably except that a favorable minority report would justify the printing of a bill when so ordered by a majority of the Senate.

It would therefore seem to follow that where the committee makes a unanimous adverse report on a bill, such bill cannot be acted upon by the Senate. It has been contended that this would be, in effect, giving a committee the right to pass or defeat a bill which, under the Constitution, can, of course, be done only by a majority of the Senate. However, although procedure would have the effect of killing such a bill it would not preclude the introduction of a similar bill at the same session and thus no constitutional provision would be abridged.

As shown on page 134 of the Manual, the House was considering a bill similar to the one adversely reported to the House by a committee when the point of order was raised that a bill having the same object had been reported adversely which was in effect the defeat of the bill and that it was not now in order to pass on this bill. The point of order was overruled.

Page 135 of the Manual shows this ruling to have been sustained at another time by the House.

It would also appear that a bill having been reported adversely cannot be re-committed. See Manual page 144.

The proper procedure in order to get a bill before the Senate, it having been reported adversely, would be to introduce another bill having the same object and in that case a majority of the Senate could refer it to any committee that it might desire.

Simple Resolution No. 174

Senator Wood sent up the following resolution:

Be it Resolved by the Senate of the State of Texas:

Section 1. The Finance Committee of the Senate is hereby authorized to meet on and after the day following adjournment of the Regular Session of the Fortieth Legislature and remain in session and prepare the appropriation bills to be introduced and acted on by the next Special Session of the Legislature.

Sec. 2. Each member of said committee shall be entitled to a per diem of five dollars per day together with all expenses incurred in performing his official duty including hotel bills, transportation and other necessary expenses while in the City of Austin or elsewhere in this State.

Sec. 3. The chairman of said Committee shall appoint such help including a secretary, as may be necessary for the work of said committee. The compensation of said secretary and other help of the committee shall be the same as provided for similar services for employees of the Senate at this Regular Session, and said secretary and help shall be entitled to expenses while performance of their duties to the same extent as herein provided for members of said committee.

The resolution was read and adopted.

Bills Signed.

The Chair gave notice of signing and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 138.	S. B. No. 265.
S. B. No. 460.	H. B. No. 463.
S. B. No. 394.	H. B. No. 421.
S. B. No. 398.	H. B. No. 245.
S. B. No. 399.	H. B. No. 137.
S. B. No. 375.	

Senate Bill No. 428.

On motion of Senator Bailey the regular order of business was suspended, and the Senate took up, out of its order, Senate bill No. 428.

S. B. No. 428, A bill to be entitled "An Act creating a more efficient road system for Wilson County, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams tools, machinery and appliances of said county under the direction of the commissioners' court; providing for the laying out, establishment and construction of roads, bridges and culverts, for the repair and maintenance thereof; providing that the commissioners' court shall cooperate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal Government; authorizing the Commissioners' Court of Wilson County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy tax in payment thereof; and declaring an emergency."

The bill was read second time.

The committee report was adopted.

The bill was passed to engrossment.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 428 was put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Fairchild.
Berkeley.	Floyd.
Bledsoe.	Greer.
Bowers.	Hall.

Hardin.	Real.
Holbrook.	Reid.
Lewis.	Russek.
Love.	Smith.
McFarlane.	Stuart.
Moore.	Triplett.
Neal.	Ward.
Parr.	Westbrook.
Pollard.	Witt.
Price.	Wood.

Absent.

Miller.

Absent—Excused.

Wirtz.

Woodward.

The bill was read third time and passed finally, by the following vote:

Yeas—29.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Miller.	Wood.
Moore.	

Absent—Excused.

Wirtz.

Woodward.

Senate Bill No. 222.

On motion of Senator Hall, the regular order of business was suspended, and the Senate took up, out of its regular order, Senate bill No. 222.

S. B. No. 222, A bill to be entitled "An Act granting to the Harris County Ship Channel Navigation District of Harris County, Texas, or its successors, and defining its successors, all right and interest of the State of Texas, to certain islands and lands subject to overflow, and lands lying under the waters of Peggy's Lake, San Jacinto Bay, Burnett Bay, Crystal Lake, Scott's Bay, Mitchell Bay, Black Duck Bay, the San Jacinto River and Buffalo Bayou and tributary waterways, within Harris County Navigation District as far as the State may own same, for public purposes and for the development of commerce only, and granting to the Navigation District and its suc-

cessors other rights, etc., and declaring an emergency."

The bill was read second time.

Senator Hall sent up a substitute bill, which by unanimous consent was ordered printed.

The substitute was adopted.

Senator Hall sent up a substitute for the caption.

The substitute was adopted.

The bill was passed to engrossment.

On motion of Senator Hall, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 222 was put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Miller.	Wood.
Moore.	

Absent—Excused.

Wirtz. Woodward.

The bill was read third time and passed finally, by the following vote:

Yeas—29.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Miller.	Wood.
Moore.	

Absent—Excused.

Wirtz. Woodward.

Senate Bill No. 154.

On motion of Senator Neal the regular order of business was sus-

pended, and the Senate took up, out of its order, Senate bill No. 154.

S. B. No. 154, A bill to be entitled "An Act to establish a State Registry in the State Department of Agriculture for the purpose of registering names of all breeders of pure bred livestock and pure bred poultry authorizing and empowering the Commissioner of Agriculture to purchase the necessary books, stationery, and equipment and to open such registry upon the taking effect of this Act; providing the method of procedure for registering the names of farm homes and the names and post office addresses of all breeders of pure bred livestock and poultry who apply for such registration; providing for the collection of a registration fee from each applicant; and providing for the transfer to the Department of agriculture of the names of all farm homes now registered in the office of the Secretary of State; requiring the Commissioner of Agriculture to publish bulletins giving the names and address of breeders of pure bred livestock and pure bred poultry for the information of the public; and declaring an emergency."

The bill was read second time.

The committee report carrying amendment was read and adopted.

Senator Neal sent up the following amendments:

Amendment No. 1, S. B. No. 154.

Amend S. B. No. 154 by striking out Section 4 and renumbering the sections to correspond.

The amendment was read and adopted.

Amendment No. 2, S. B. No. 154.

Amend S. B. No. 154 by striking out, in the caption, the words "and providing for the transfer to the Department of Agriculture of the names of all farm homes now registered in the office of the Secretary of State."

The amendment was read and adopted.

Senator Moore sent up the following amendment:

Amendment No. 3, S. B. No. 154.

Amend S. B. No. 154 by striking out the words "special fund" in line 20 and the words "special registration fund" in line 21 and insert in lieu thereof the words "general revenue fund" and by striking

out all of lines 21, 22 and 23 after the word "fund" in line 21.

The amendment was read and adopted.

The bill was passed to engrossment.

Senator Love sent up the following amendment:

Amendment No. 4, S. B. No. 154.

Amend S. B. No. 154 by adding at the end of Section 1, the following: "Providing that no farm house name shall be registered if there is already registered a farm house having the same name."

The amendment was read and adopted by unanimous consent.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and the bill passed to third reading by the following vote.

Yeas—28.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Fairchild.	Price.
Floyd.	Real.
Greer.	Reid.
Hall.	Russek.
Hardin.	Smith.
Holbrook.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Witt.
Moore.	Wood.

Absent.

Bowers.

Absent—Excused.

Wirtz.

Woodward.

The bill was read third time and finally passed.

Senate Bill No. 369.

On motion of Senator Smith the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 369, A bill to be entitled "An Act to establish and maintain a Dairy, Poultry, Pecan, Crops and other Native Products Experiment Station on the Miles, Roscoe and Abilene Soil Type in Taylor, Jones, Callahan or Shackelford County, Texas, within a radius of twenty miles of Abilene, Taylor

County, Texas, authorizing the board of directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station and empowering said board to establish and maintain same, to accept donations of lands, water, livestock, seeds, plants and money for the establishment of said station, making an appropriation to pay the cost of establishing said station and for the operation of same, and declaring an emergency."

The bill was read second time.

The following committee amendments were adopted:

1. Amend Senate Bill No. 369 by striking out of Section 2 the following words: "and to use the appropriations herein made for the purposes of acquiring suitable lands, water, livestock, seeds, and plants, and for the erection of necessary buildings and equipment and other expenses incident to carrying out the provisions of this Act;" and inserting in lieu thereof the following:

"and is hereby authorized to use any appropriations made by the Legislature for the purposes of acquiring suitable lands, water, livestock, seeds, plants and other necessities, and for the erection of necessary buildings and equipment and other expenses, incident to carrying out the provisions of this Act."

2. Amend said Senate Bill No. 369 by striking out all of Section 4 thereof and renumbering Section 5 accordingly.

3. Amend said Senate Bill No. 369 by striking out the caption and inserting in lieu thereof the following

S. B. No. 369, A bill to be entitled "An Act to provide for establishing, maintaining and operating, a dairy, poultry, pecan, crops, and other native products, experiment station on the Miles, Roscoe and Abilene soil type in Taylor, Jones, Callahan or Shackelford County, Texas, within a radius of twenty miles of Abilene, Taylor County, Texas; authorizing the Board of Directors of the Agricultural & Mechanical College of Texas to select a suitable location for said station and authorizing said Board to establish, operate and conduct said station; authorizing said board to procure a site therefor, and to accept donations of land, water, livestock, seeds, plants, and money for the establishment and maintenance of said station and to use ap-

propriations made by the Legislature to acquire lands and other things in connection with carrying out this Act; providing all things incidental and necessary to the main purpose of this Act; and declaring an emergency."

The bill passed to engrossment.

On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 369 put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Miller.	Wood.
Moore.	

Absent—Excused.

Wirtz. Woodward.

The bill was read third time and passed finally.

Senate Bill No. 133.

On motion of Senator Stuart the regular order of business was suspended, and the Senate took up, out of its order, the following bill:

S. B. No. 133, A bill to be entitled "An Act amending Article 1897 of the revised Civil Statutes of 1925, relating to the bond of district clerks; more adequately providing for bonds of district clerks; providing that the county shall pay the premium of said bonds out of the general county fund; and declaring an emergency."

The bill was read second time.

The committee report carrying amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Stuart, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 133 put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Witt.
Miller.	Wood.
Moore.	

Absent—Excused.

Wirtz. Woodward.

The bill was read third time and passed finally.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House, with the following messages:

Hall of the House of Representatives,
Austin, Texas, March 7, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 394, A bill to be entitled "An Act to increase and fix the salary of the Superintendent of Public Instruction in all counties having 210,000 population or more according to the last preceding Federal census; providing for office expenses; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 398, A bill to be entitled "An Act to amend Article 816, Chapter 1, Title 39, Revised Civil Statutes, 1925, and declaring an emergency."

S. B. No. 399, A bill to be entitled "An Act to amend Article 1738, Chapter 3, Title 37, Revised Civil Statutes, 1925, and declaring an emergency."

H. B. No. 551, A bill to be entitled "An Act to create the office of State Service Officer, to be attached to the Comptroller's Department of the State of Texas; providing for his appointment; prescribing his qualifications and duties; fixing his salary; making appropriation for such, to-

gether with traveling and incidental expenses for the fiscal year ending August 31, 1927; providing all matters and things incidental to the main purpose of this Act, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 7, 1927.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for a free conference on S. J. R. No. 24 and the following committee is appointed:

Fly, Acker, Sinks, Petsch, Rawlins.

Concurred in Senate amendments to House Bills Nos. 245, 421, 355, 463 and 137.

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 7, 1927.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 450, A bill to be entitled "An Act to amend Section 1, Chapter 611, Acts Thirty-ninth Legislature, First Called Session, creating and defining by metes and bounds Road District No. 1 of Hidalgo County, Texas, under authority of Section 52, of Article 3 of the Constitution of the State of Texas, etc., and declaring an emergency."

With amendments.

S. B. No. 460, A bill to be entitled "An Act ratifying, confirming, approving and validating certain orders and notices of the Commissioners' Court of Cameron County, Texas, relating to the issuance of bonds of Cameron County in the total sum of six million dollars for the purpose of construction, maintenance and operation of macadamized, graveled or paved roads or turnpikes or in aid thereof, and the levy of a tax upon all of the taxable property in said county, etc., and declaring an emergency."

H. B. No. 16, A bill to be entitled "An Act amending Sections 10, 16 and 17, of Chapter 24, of the Special Laws of the State of Texas, approved

March 5, 1913, and passed by the Thirty-third Legislature, relating to the road system of Hamilton County, by changing the minimum age of persons required to work the roads from eighteen to twenty-one, and changing the amount of indebtedness that can be created in road matters, and changing the compensation of the road supervisors."

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 4, 1927.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 265, A bill to be entitled "An Act transferring the civil and criminal jurisdiction of the county court of Edwards County to the district court of said county; providing that hereafter said county court shall have jurisdiction only in probate matters; providing for the transfer of cases and making provision for all things incidental to the purpose of this Act, and declaring an emergency."

S. B. No. 375, A bill to be entitled "An Act regulating the duties of the county board of trustees of the public schools of this State, in all counties having 210,000 population or more, according to the last preceding Federal census, etc., and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 7, 1927.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 528, A bill to be entitled "An Act authorizing the commissioners' court of Jefferson County, Texas, to purchase automobiles for the use of the commissioners when acting as road supervisors under appropriate regulations of said court, and providing for the reports thereon to the auditor and limiting the amount to be expended therefor, and providing for the marking of said cars and a penalty for a failure to mark, and declaring an emergency."

H. B. No. 618, A bill to be entitled "An Act to revive and extend the time of expiration of Oil and Gas Permit No. 7987 on 36.2 acres of the bed of Goose Creek in Harris County, Texas, for a period of three years from June 11, 1927, upon the same terms and conditions on which the original permit was issued, and declaring an emergency."

H. B. No. 638, A bill to be entitled "An Act to authorize the transfer of civil cases in Lamar County from the docket of the Sixth Judicial District to the docket of the Sixty-second Judicial District and from the Sixty-second Judicial District to the Sixth Judicial District at the close of each term, during term time or in vacation, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

House Bill No. 320.

The Chair laid before the Senate, as pending business, the following bill:

H. B. No. 320, A bill to be entitled "An Act to provide for a license for non-residents and aliens who fish in the inland and coastal waters of the State of Texas and to provide for a license for male residents of the State of Texas who have reached the age of 17 years that fish in any of the inland or coastal waters of Texas, except in the county of their residence; and to provide for a license for such male residents who shall fish with artificial lures in any of the inland or coastal waters of Texas; to prescribe the license fees for such licenses and to provide for the issuance of said licenses by the Game, Fish and Oyster Commissioner, his deputies, county clerks or other legally authorized agents; and to provide for the payment of these officers for the issuance of said licenses, and to provide for keeping of a record of the licenses issued, and to provide for the disposition of the funds from said licenses, and to provide penalties for a failure of persons to procure a license to fish where the same are required and to define the term non-resident as used in this Act, and declaring an emergency."

Senator Pollard sent up the following amendment:

Amendment No. 1.

Amend H. B. No. 320, by striking out the words "\$10.00" wherever they occur and insert in lieu thereof the words "\$1.00," and the words "\$100.00" wherever they occur and insert in lieu thereof the words "\$10.00."

The amendment was read and adopted.

Senator Price sent up the following amendment:

Amendment No. 2.

Amend H. B. No. 320 by striking out Section 2 and inserting in lieu thereof the following substitute for Section 2.

"Sec. 2. No person shall fish with artificial lures of any kind in the waters of this State without first having procured from the Game, Fish & Oyster Commissioner of Texas, or his deputy, or from a county clerk in Texas, or other legally authorized agent, a license to fish.

The amendment was read.

Senator Price withdrew the amendment.

Special Committee to Investigate Constitutional Amendments.

The Chair appointed the following committee to investigate the present status of all constitutional amendments introduced in this session:

STUART,
MOORE,
LOVE.

House Bill Read and Referred.

House Bill No. 551, read and referred to Committee on State Affairs.

Recess.

On motion of Senator Pollard, the Senate, at 12:05 o'clock p. m., recessed until 2:00 o'clock p. m.

After Recess.

The Senate was called to order at 2:00 o'clock p. m., pursuant to recess, by Lieutenant Governor Miller.

House Bill No. 320.

The question recurred upon the engrossment of H. B. No. 320.

Senator Price sent up the following amendment:

Amendment No. 3.

Amend H. B. No. 320 by striking out Sections 1 and 2 and inserting in lieu thereof the following:

"Section 1. No person shall fish with artificial lures of any kind in the waters of this State without first having procured from the Game, Fish and Oyster Commissioner of Texas, or his deputy, or from a county clerk in Texas, or other legally authorized agent, a license to fish."

And by renumbering the remaining sections in their consecutive order.

The amendment was read.

Senator McFarlane moved to table the amendment. The motion was lost by the following vote:

Yeas—12.

Berkeley.	Parr.
Bledsoe.	Real.
Bowers.	Reid.
Love.	Stuart.
McFarlane.	Witt.
Moore.	Wood.

Nays—15.

Bailey.	Miller.
Fairchild.	Pollard.
Floyd.	Price.
Greer.	Russek.
Hall.	Smith.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	

Absent.

Neal.	Wirtz.
Westbrook.	

Absent—Excused.

Woodward.

The amendment was adopted.

The bill was passed to engrossment by the following vote:

Yeas—25.

Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hardin.	Stuart.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Parr.	

Nays—4.

Bailey.	Holbrook.
Hall.	Triplett.

Absent.

Neal.

Absent—Excused.

Woodward.

On motion of Senator McFarlane, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 320 was put on its third reading and final passage, by the following vote:

Yeas—26.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hardin.	Stuart.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.

Nays—3.

Hall.	Triplett.
Holbrook.	

Absent.

Neal.

Absent—Excused.

Woodward.

Senator Love sent up the following amendment:

Amend H. B. No. 320 by striking out all of the caption and substituting therefor the following:

H. B. No. 320, A bill to be entitled "An Act to provide for a license for persons who shall fish with artificial lures of any kind in the waters of this State; to prescribe the license fees for such licenses and to provide for the issuance of said licenses by the Game, Fish & Oyster Commission, his deputies, county clerks or other legally authorized agents; and to provide for the payment of these officers for the issuance of said licenses, and to provide for the keeping of a record of the licenses issued, and to provide for the disposi-

tion of the funds from said licenses and to provide penalties for the failure of persons to procure a license to fish where the same are required and to define the term non-resident as used in this Act, and declaring an emergency."

The amendment was adopted by unanimous consent.

The bill was read third time and passed finally by the following vote:

Yeas—24.

Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Love.	Stuart.
McFarlane.	Ward.
Miller.	Westbrook.
Moore.	Wirtz.
Neal.	Witt.
Parr.	Wood.

Nays—4.

Bailey.	Holbrook.
Hall.	Triplett.

Absent.

Hardin.	Lewis.
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Absent—Excused.

Woodward.

House Bill Read and Referred.

After its caption had been read, the Chair referred the following House bill:

House Bill No. 16, read and referred to Committee on Highways and Motor Traffic.

Senate Bill No. 450.

On motion of Senator Parr, the Senate concurred in the House amendment to S. B. No. 450 by the following vote:

Yeas—30.

Bailey.	Lewis.
Berkeley.	Love.
Bledsoe.	McFarlane.
Bowers.	Miller.
Fairchild.	Moore.
Floyd.	Neal.
Greer.	Parr.
Hall.	Pollard.
Hardin.	Price.
Holbrook.	Real.

Reid.	Ward.
Russek.	Westbrook.
Smith.	Wirtz.
Stuart.	Witt.
Triplett.	Wood.

Absent—Excused.

Woodward.

The following are copies of the amendments:

Amend Section 1 of S. B. No. 450 by striking out all the paragraph which immediately follows the words "with metes and bounds as follows," and which paragraph begins with the words "Beginning at the north-west corner of Hidalgo County" and ends with the words "being the place of beginning," and inserting in lieu thereof the following:

Beginning at the northwest corner of Hidalgo County as the place of beginning of this survey; thence in a general southwesterly direction along the Hidalgo-Starr County line to the Rio Grande River; thence in a general southeasterly direction following the meanderings of the Rio Grande River to the west line of Portion 48 in Hidalgo County; thence in a general northerly direction along the west line of Porcion 48 to a point where the line along the south boundary lines of Blocks of Nos. 7, 8 and 41 of the west Sharyland subdivisions tract if extended on the same course in a westerly direction will intersect the west line of said Porcion 48; thence in a general easterly direction to the west line of Lot No. 13, Section 279; thence in a southerly direction to the southwest corner of Lot 13, Section 279; thence in an easterly direction to the southeast corner of Lot No. 16, Section 270; thence in a northerly direction to the southwest corner of Lot 14, Section 268; thence in an easterly direction to the southeast corner of Lot No. 16, Section 268; thence in a northerly direction to the northwest corner of Lot 15, Block 63 of the Alamo tract; thence in an easterly direction along the south line of the Curry tract to the Southeast corner of Lot 16, Block 4, of the Curry tract; said point being on the West line of Lot 165 of the Llano Grande tract; thence in a southerly direction along the said west line of Lot 165, Llano Grande tract; thence in a general easterly direction along Mile 15½ north to the northeast corner of Lot 1143.

Block 122, Adams tract; thence in a general southerly direction along the Adams tract east line to the Llano Grande Lake; thence following a general easterly yet meandering course along the south lines of Blocks 112, 105 of the Campaquis Addition and Block 78 of the Capasallo District Subdivision of the American Rio Grande Land and Irrigation Company Subdivisions of the Llano Grande tract to a northerly extension of the west line of Lot 78B of said Capasallo District; thence in a general southerly direction along the west lines of Lots 77B, 77C, 77D and 76A to the southwest corner of said Lot 76A, all in said Capasallo District Subdivision; thence in an easterly direction along the south line of said Lot 76A to the west boundary of the right of way of the main canal of the American Rio Grande Land and Irrigation Company; thence in a southerly direction along the west boundary of the right of way of said American Rio Grande Land and Irrigation Company's main canal to the west line of Lot 1, Block 74 of said Capasallo District tract; thence in a general southerly direction along the west line of Lots 1, 8 and 9, Block 75 of the said Capasallo District tract; thence following along the southern and western boundaries of Lot 9, Block 74, Lots 12 and 13, Block 71, and Lots 2, 5, 6, 11 and 12 in Block 72 all of said Capasallo District to the north bank of the Rio Grande River; thence in a general easterly direction following a meandering course along the north bank of the Rio Grande River to the southeast corner of Lot 3, Block 34 of the said Capasallo District tract; thence following along the east and south lines of Lot 2, Block 34, Lots 15, 10, 7, 2 and 1 of Block 33 to the southeast corner of Lot 1, Block 33 all of said Capasallo District tract and said point being on the west line of Cameron County at Mile 1 $\frac{1}{4}$ north; thence in a northerly direction along the Hidalgo-Cameron County line to the northwest corner of Cameron County; thence continuing in a northerly and westerly direction along the Hidalgo-Willacy County line to the intersection of the Kennedy County line; thence following the Hidalgo-Kennedy County line to the intersection of Brooks County line; thence fol-

lowing along the Hidalgo-Brooks County line in a general westerly direction to the northwest corner of Hidalgo County, said point being the place of beginning.

Simple Resolution No. 75.

Senator Real sent up the following resolution:

Whereas, Hon. Harry M. Wurzbach, a distinguished member of the National Congress from the Fourteenth Congressional District of Texas, is a visitor in the city;

Be it Resolved, That he be extended the courtesies of the Senate Chamber and that he be invited to address the Senate.

By Senators Real, Russek, Pollard, Wirtz and Lewis:

The resolution was read and adopted.

Address by Congressman Harry M. Wurzbach.

The Chair introduced Senator Real, who introduced the Hon. Harry Wurzbach, a member of Congress.

Congressman Wurzbach briefly addressed the Senate.

Senate Concurrent Resolution No. 28

Senator Fairchild called up Senate Concurrent Resolution No. 28, in regard to the acceptance of certain War Trophies offered by the U. S. government to the State of Texas.

The resolution was adopted.

Senate Joint Resolution No. 30.

The Chair laid before the Senate, the following resolution:

S. J. R. No. 30, A joint resolution "Proposing an amendment to the State Constitution providing that hereafter members of the Legislature shall receive the same compensation or per diem after the first sixty days of a session as they receive for the first sixty days thereof."

The resolution was read second time and passed to engrossment.

Senate Joint Resolution No. 28.

The Chair laid before the Senate, the following resolution:

S. J. R. No. 28, A joint resolution "Proposing an amendment to the State Constitution authorizing Tom Green, Schleicher, Sutton, Edwards and Val Verde Counties, or districts

in said counties, pursuant to a majority vote of the property taxpaying voters in said counties, or districts, to issue bonds and invest the proceeds thereof in aid of railroad construction."

The resolution was read second time and laid on the table subject to call.

House Bill No. 361.

The Chair laid before the Senate, the following bill:

H. B. No. 361, A bill to be entitled "An Act making an emergency appropriation for the State government, and declaring an emergency."

The bill was read second time.

Senator Wood sent up an amendment substituting the Senate Bill for the House Bill.

The amendment was adopted.

The bill was passed to third reading.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 361 was put on its third reading and final passage, by the following vote:

Yeas—30.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Wood.

Absent—Excused.

Woodward.

The bill was read third time and passed finally, by the following vote:

Yeas—30.

Bailey.	Holbrook.
Berkeley.	Lewis.
Bledsoe.	Love.
Bowers.	McFarlane.
Fairchild.	Miller.
Floyd.	Moore.
Greer.	Neal.
Hall.	Parr.
Hardin.	Pollard.

Price.	Triplett.
Real.	Ward.
Reid.	Westbrook.
Russek.	Wirtz.
Smith.	Witt.
Stuart.	Wood.

Absent—Excused.

Woodward.

Senate Bill No. 328.

The Chair laid before the Senate, on third reading, the following bill:

S. B. No. 328, A bill to be entitled "An Act to amend Article 879 of the Penal Code of Texas, 1925, so as to provide that the open season for wild quail in the north zone shall be changed from the period of November 16th to the following January 1st, to the period of December 15th to the following February 1st."

The bill was read third time and finally passed.

House Concurrent Resolution No. 28.

The Chair laid before the Senate, the following resolution:

H. C. R. No. 28, assenting of the State of Texas to the Purnell Fund.

Bill Signed

The Chair Lieutenant Governor Miller gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 450.

Bills Referred.

After their captions were read, the Chair referred the following bills:

House Bill No. 618 read and referred to Committee on Mining, Irrigation and Drainage.

House Bill No. 638 read and referred to Committee on Judicial Districts.

House Bill No. 528 read and referred to Committee on State Affairs.

Bills Introduced.

Unanimous consent was granted to introduce the following bills:

By Senator Fairchild:

S. B. No. 473, A bill to be entitled "An Act making an appropriation of the sum of \$31,409.85, or so much thereof as may be necessary, payable out of the general revenue fund not otherwise appropriated, and appro-

priating all other current revenue, or so much thereof as may be necessary, to be derived from the operation of the Texas State Railroad until August 31, 1927, and to be deposited in the State Treasury; said appropriation being for the traveling, clerical and other expenses of the Board of Managers, and all other expenses connected with the sale and maintenance, operation or lease of said railroad, and being for the period up to and including August 31, 1927, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senators Witt, Stuart, Berkeley, et al:

S. B. No. 474, A bill to be entitled "An Act to withdraw from sale the oil and gas in university land until such time as the Legislature may enact laws deemed adequate to protect the interest of the university in its available and permanent funds, on the condition only that the university mineral lease or sales Act of March 10, 1925, Chapter 71, shall be held invalid or ineffective by the Supreme Court of Texas in suits now pending or that may hereafter be filed; and in that event prohibiting the Commissioner of the General Land Office from issuing any oil and gas permit upon application heretofore or hereafter filed, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Simple Resolution No. 76.

Senator Neal sent up the following resolution:

By Senators Neal and Bailey:

Whereas, the Senate of Texas, together with the House of Representatives, was invited by, and did visit, the cities of Dallas and Fort Worth, on March 5th and 6th, 1927;

Therefore, be it Resolved, That the cordial thanks of the Senate be extended to the twin cities of North Texas for the fine quality of their entertainment and for their gracious, generous and unparalleled hospitality. From the hour of arrival in the city of Dallas on Saturday morning to the time of departure from Fort Worth on Sunday night, the Legislative party was accorded the consideration that might have been shown the "wearers of the purple."

The enterprising cities of North Texas, with their pluck, enterprise,

public spirit and patriotic purpose, were easily the admiration and the inspiration of every visitor within their gates. The projects now contemplated in pending legislation by these two cities were carefully looked into and much interest manifested therein by the visitors.

The courteous attention and kindly solicitude for the comfort and pleasure of the party on the part of big business men was quite unusual, and the visitors found the time spent with them all too short. The drives at Dallas, the breakfast at the Jefferson Hotel, the luncheon for the men at the Adolphus Hotel, the box supper on the train by the Chamber of Commerce, and the beautiful luncheon for the women at the Woman's Club, by Mesdames Barry Miller and Thomas B. Love and Miss Dorothy Love, filled the day in Dallas quite full.

The formal opening of the Stock Show at Fort Worth by Governor Dan Moody, and the attendance upon the pageant by the party as honor guests on Saturday evening, marked the opening entertainment for the legislative group. The breakfast at the Fort Worth Club by Hon. Amon G. Carter, the drive over the city and surrounding territory, the boat ride and barbecue at Lake Worth, the rodeo entertainment in the afternoon, the dinner at the Fort Worth club in the evening with the Chamber of Commerce as host, and an exquisite twilight musicale and dinner for the women at the Woman's Club, followed by picture show parties and religious services for those who cared to go, brought to an end a very perfect day in the Panther City. Mrs. Bob Barker was chairman of the beautiful dinner party for the women at the club, other ladies acting as hostesses, to whom much thanks is due, were Mesdames Robert A. Stuart, W. H. Slay, Henry Zweifel, M. C. Meacham, Walter Beck, Hal Lattimore, R. Lipscomb, W. S. Kemble and Miss Anna Shelton. Altogether the members of the Senate and their families, heads of State Departments and employees of the Senate, are greatly indebted to Dallas and Fort Worth for two happy and enlightened days.

The resolution was read and adopted.

Report of Committee to Investigate John Tarleton College.

Senator Hardin sent up the report of the Committee on the Investigation of John Tarleton College and moved to print it in the Journal and that the university report be printed when it is sent up.

As a substitute Senator Ward moved that the report be referred to the Committee on Educational Affairs without printing.

Senator Hardin moved to table the substitute.

The motion to table prevailed by the following vote:

Yeas—17.

Bailey.	Moore.
Fairchild.	Parr.
Floyd.	Pollard.
Greer.	Price.
Hall.	Real.
Hardin.	Russek.
Holbrook.	Triplett.
McFarlane.	Wirtz.
Miller.	

Nays—7.

Lewis.	Smith.
Love.	Ward.
Neal.	Witt.
Reid.	

Present—Not Voting.

Bowers.

Absent.

Berkeley.	Westbrook.
Bledsoe.	Wood.
Stuart.	

Absent—Excused.

Woodward.

The motion to print was adopted. (See Appendix).

Adjournment.

On motion of Senator Holbrook, the Senate, at 6:20 p. m., adjourned until tomorrow morning at 10:00 o'clock.

APPENDIX.

Petitions and Memorials.

Dallas, Texas,
March 4, 1927.

Senator Thomas B. Love,
Austin, Texas.

Sir:

Please urge amendment be made to House Bill No. 59 that will give plenary power to Prison Board.

MRS. A. J. PAYNE,
Social Service Supt., St. John's
Methodist Church, Dallas.

Petition from numerous citizens of Dallas county urging the support of a special Juvenile Court for Dallas County.

Petition from numerous citizens of Dallas County urging the amendment of House Bill No. 59 so that the Prison Board shall have power of relocation.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, March 7, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 138 carefully examined and compared, and find the same correctly enrolled and have this day at 10:50 o'clock a. m., presented the same to the Governor for his approval.

FLOYD, Chairman.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, March 7, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 315 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, March 7, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 396 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, March 7, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 401 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, March 7, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 437

carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 7, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 455 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 7, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 133 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 7, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 154 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 7, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 222 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 7, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 369 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 7, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 428

carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 7, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 30 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, March 4, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Public Land and Land Office, to whom was referred S. B. No. 586, A bill to be entitled "An Act providing for the withholding from allotment to public free school fund and sale of such land as may be granted or added to the State of Texas north of the South Fork of Red River as a result of the final determination of the suit of the State of Oklahoma, Complainant, against the State of Texas, Defendant, the United States of America, Intervenor, now pending in the Supreme Court of the United States in which a decree was entered January 3, 1927, ordering the establishment of the true one hundredth meridian, until such time after the entry of the final boundary decree as the Legislature may consider and provide for final disposition of such additional land as may be decreed to be within the State of Texas, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be printed.

Real, Chairman.—Berkeley, Westbrook, Bledsoe, Wood, Moore, Lewis.

Committee Room,
Austin, Texas, March 7, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 470, A bill to be entitled "An Act to create Road District No. 1 of Van Zandt County, Texas, val-

idating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said Road District; approving and validating all orders of the commissioners' court of said county in respect of said road district, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed as it is a local bill.

FLOYD, Chairman.

Committee Room,
Austin, Texas, March 7, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 471, A bill to be entitled "An Act creating, defining and establishing Road District No. 5 in Briscoe County, Texas, for the purposes of constructing maintaining and operating macadamized, graveled or paved roads and turnpikes, or in aid thereof; providing that said District shall be authorized to issue bonds or otherwise lend its credit for said purposes to an amount not to exceed one-fourth of the assessed valuation of real property situated therein, and levy, assess and collect general ad valorem taxes in payment thereof; providing that said District shall be governed in the issuance of bonds, lending its credit, constructing, maintaining and operating its roads, and all other matters incident thereto by the provisions of the General Law, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

FLOYD, Chairman.

Committee Room,
Austin, Texas March 7, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 201, A bill to be entitled "An Act to establish a State College in Tyler, Texas, to be known as the Texas Industrial College, providing for its government; the control of its finances; defining its objectives; and describing generally the nature and scope of instruction to be given, and conferring upon the board of directors of said college the right of eminent domain and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

WOOD, Chairman.

By Pollard.

S. B. No. 201.

A BILL

To Be Entitled

An Act to establish a State College in Tyler, Texas, to be known as the Texas Industrial College, providing for its government; the control of its finances; defining its objectives, and describing generally the nature and scope of instruction to be given, and conferring upon the board of directors of said College the right of eminent domain and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. There shall be established in this State a college for white students to be known as the Texas Industrial College, said college to be located at Tyler, Texas. It shall be a co-educational college, giving a two (2) year course of thorough instruction in the industrial and agricultural sciences, and special courses dealing with agricultural problems peculiar to East Texas, and said college shall also have a complete two (2) year course in the arts and sciences, such as are taught in the colleges of the first class, said college being designed to elevate the ideals and increase the capacity of the people for self-government, and to give two years of instruction in industrial sciences, manufacturing, agricultural pursuits, marketing of farm products, domestic husbandry, and home economics so that the boys

and girls of this State may prepare themselves for the development of the great natural resources and industries of East Texas.

Sec. 2. In addition to courses provided in Section 1, the said Industrial College shall offer the usual two (2) year academic courses given in standard colleges of the first class, and shall offer regular short term courses in farm husbandry and economics and the chemistry of soils, and the adaptation of farm crops to the peculiar soil climatic condition of East Texas, and such other courses as the board of directors may see fit to provide as a means of supplying educational facilities necessary for this section of the State, and it shall be the duty of the board of directors to provide facilities of the college for the purpose of originating, developing and maintaining those agencies (physical, mental and moral) for the development of the physical, mental and moral welfare of the students who attend the college, and for the further purpose of developing the material resources of the State to the highest point of value and usefulness by teaching the industrial and agricultural sciences.

Sec. 3. The government, control and direction of said industrial college shall be vested in a board of five (5) directors, to be appointed by a board of three (3) elective officers of Texas; namely, governor, attorney general and the chief justice of the Supreme Court, who shall hold office for a period of five (5) years, said board of five directors to be so divided that the term of one director shall expire each year, and it shall be the duty of said appointing board in making each appointment of the first board of directors to indicate in each appointment the name of the director whose term shall expire in one, two, three, four and five years respectively, all of said directors to hold office until their successors are qualified, unless removed by the appointing board because of unfitness, inefficiency or inattention to their duties as members of such board.

The board of directors of the Texas Industrial College shall provide a President therefor, who shall devote his entire time to the executive management of said school, and who shall be directly accountable to the board of directors for the conduct thereof.

Sec. 4. An adequate plat of land

for the site of said college shall be furnished by the City of Tyler, the amount of land needed for the site and the selection of the location of said site to be determined by a board of five members to be appointed by the Governor, which board shall make a full and complete report of the selection of the site for the said college to the Governor of the State of Texas. The filing of this report with the Secretary of State shall legally constitute the establishing of the college.

Sec. 5. The board of directors of said Texas Industrial College is hereby vested with power of eminent domain to acquire for the use of said college such land, in addition to the original site, as may be necessary for the purpose of carrying out its purpose by condemnation proceedings such as are now provided for railroad companies under the laws of the State of Texas.

Sec. 6. The fact that East Texas has no adequate institution offering instruction in the industrial and agricultural sciences and the fact that the needs of that portion of the State where this college shall be located are inadequately supplied with such educational institutions, creates an emergency and an imperative public necessity for the act to take effect at once and for the suspension of the constitutional rule requiring bills to be read on three several days, it is therefore enacted that said rule be suspended and this act take effect and be in force on and after its passage.

Committee Room,

Austin, Texas, March 7, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred S. B. No. 472, A bill to be entitled "An Act to amend Article 199, Revised Civil Statutes of 1925 so as to reform the time of holding the court in the sixty-fourth Judicial District of the State of Texas."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PRICE, Chairman.

Committee Room,

Austin, Texas, March 7, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on

Highways and Motor Traffic, to whom was referred

H. B. No. 16, A bill to be entitled "An Act amending Sections 10, 16 and 17 of Chapter 24 of the Special Laws of the State of Texas, approved March 5, 1913, and passed by the Thirty-third Legislature, relating to the road system of Hamilton County, by changing the minimum age of persons required to work the roads from eighteen to twenty-one and changing the amount of indebtedness that can be created in road matters and changing the compensation of road supervisors."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, with the amendment attached, and that it be not printed.

FLOYD, Chairman.

Committee Room,

Austin, Texas, March 7, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

H. B. No. 275, A bill to be entitled "An Act amending Article 1601 of the Revised Civil Statutes of 1925, relating to elections for the removal of county seats; reducing the time within which applications may be made and elections held to remove county seats in certain instances; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

NEAL, Chairman.

Committee Room,

Austin, Texas, March 7, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

S. B. No. 465, A bill to be entitled "An Act to authorize the Board of Directors of the Agricultural and Mechanical College of Texas to establish and maintain a horticultural and agricultural experiment station at some point within the limits of McLennan County in the State of Texas, for the purpose of making scientific investigation and experiment in the growing of truck and other agricultural products suitable for the said section, and conducting scientific

experiments in poultry raising and darying; authorizing the said Board of Directors to acquire a suitable site therefor; providing that such experiment station shall be under the general supervision of said Board of Directors; and providing that unless donations of land within said territory, with available water for irrigations purposes thereon suitable and sufficient for said experiment station are made for said purpose, said experiment station shall not be established, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, March 7, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highway and Motor Traffic, to whom was referred

S. B. No. 468, A bill to be entitled "An Act creating a more efficient road system for Shelby County, Texas; providing that the commissioners' court shall appoint five highway commissioners, one from each commissioners' precinct and one from the county at large; prescribing their powers and duties; providing that all road funds collected within the county may be used by said highway commissioner to maintain and keep in repair the roads within the county; abolishing the road overseer system in Shelby County; placing all road hands under the jurisdiction and control of said Highway Commissioners; providing for the duties of road hands; and how many duties they shall be required to work; relieving all persons liable to road duty upon the payment of five dollars to the county on or before February first of each year; providing that the highway commissioners may employ collectors of said road hand fees; and exempting Shelby County from all provisions of the Eight Hour Labor Law; and providing all other things necessary and incidental to the main purpose of this Act; providing penalties for neglect of duties hereunder and violations hereof; making this law cumulative of the general road law of the State of Texas, and in case of conflict with

the General Laws of the State, this Act to control as to Shelby County; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

FLOYD, Chairman.

Committee Room,
Austin, Texas, March 7, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 411, A bill to be entitled "An Act to create a more efficient road system for San Saba County, Texas, and making the commissioners of said county ex-officio road commissioner in their respective precincts and prescribing their duties as such, and providing for the compensation of road commissioners, defining the duties of the commissioners' court with reference to roads and bridges; providing for the appointment of overseers and defining their duties, and providing for compensation for certain labors; providing penalties for violation of the provisions of this Act; giving persons subject to roads duty in San Saba County and persons summoned to work on the public roads of said county the right to be relieved from the discharge of such duty upon the payment of specific sums of money herein stipulated; and providing for the accounting for and the disposition to be made of the money so paid; limiting the purpose for which road and bridge funds shall be used; authorizing and providing for the working of county convicts upon the public roads, and providing for the payment of officer's fees; providing that delinquent poll tax payers shall be subject to three day's road duty; requiring the tax collector of San Saba County to furnish to the commissioners' court a list of all persons who fail to pay their poll tax; providing for the condemnation of any land needed for the widening, straightening, changing or draining of public roads; providing for the taking of timber, gravel, earth, stone or other material for the making or improving of public roads and bridges requiring certain road and bridge work to be done by contract; authorizing and empowering the said

San Saba County to issue bonds for the construction and maintenance of public roads and bridges within said county, and to provide for a tax to create a sinking fund to pay the same; providing that this Act shall control in San Saba County in all cases wherein it differs from or is inconsistent and conflicts with the general law on the subject of roads and bridges, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, but being a local bill, be not printed.

FLOYD, Chairman.

Committee Room,
Austin, Texas, March 8, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 467, A bill to be entitled "An Act validating school districts heretofore created under General Laws, Local or Special Acts, validating proceedings in connection with formation of such districts or relative to bonds thereof; validating bonds issued thereby, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

The Report of the Committee to Investigate the Affairs and Management of John Tarleton, Junior
Agricultural College.

Austin, Texas, Feb. 1, 1927.
Hon. Barry Miller, President of the Senate and Hon. R. L. Bobbitt, Speaker of the House of Representatives.

Gentlemen: We, your Joint Committee of the Senate and House of Representatives appointed under the House Concurrent Resolution No. 6, at the First Called Session of the Thirty-ninth Legislature, beg leave to make the following report of our findings after a due and careful investigation of the affairs and management of John Tarleton, Jr., Agricultural College at Stephenville, Texas:

We called before us twenty-three (23) witnesses; seventeen (17) of

whom are now or have been employed by the A. & M. College system, including the present business manager and the present Dean of the John Tarleton, Jr., Agricultural College.

We found in the course of our investigations that the allegations referred to in House Concurrent Resolution No. 6 have been fully sustained, and additional irregularities, as will be shown by the Auditor's report hereby attached as a part of our report, and the written testimony filed.

We wish to point out more particularly the following facts and conditions existing as found by our investigation:

Excessive Traveling Expenses.

The Legislature appropriated two hundred fifty dollars (\$250.00) for the last fiscal year, ending August 31, 1926, for traveling expenses of the Dean, and cancelled vouchers show that he spent one thousand sixty-five dollars and ninety-four cents (\$1065.94). - That he himself, spent \$1065.94 in addition to that spent by others connected with the school traveling upon his expense account.

We further find that the Dean on John Tarleton, Jr., Agricultural College, in many instances, charged his traveling expenses to the college fund and, for some reason, did not state for what purposes he was traveling.

The Dean, on the witness stand, could not remember or be positive for what purpose he had traveled, in many of these instances. (See stenographic report, pages 302 and 401).

We feel that this not only is a violation of the spirit as well as the letter of the law, but that it is in utter disregard of the mandates of the Legislature.

Diversion of Funds.

We find that there is an account on the books of the College called "Free Surplus," which is an account to which various funds have been transferred, which, in the last five years, amount to one hundred thirty-eight thousand, five hundred ninety-three dollars and seventy-two cents (\$138,593.72). This free surplus comes not only from fees paid by the students but also from legislative appropriations and this money

was then appropriated for various purposes, as directed by the Dean of the college.

We feel that the accumulation of this vast sum of money shows that the fees of the college, which make up the greater portion of the free surplus fund, have been excessive and that such fees have not been used for the purposes set forth in the catalogue and we condemn the practice of using the students' fees to make permanent improvements upon the campus, which we consider is the duty of the State of Texas and not of the students.

In addition to the legislative appropriations and the students' fees, we also find that in the last four years more than one-third of the Smith-Hughes fund has found its way into the free surplus account.

College Farm Management.

From the testimony, and also from our inspection of the College farm, we find the following practices, which we believe cannot be too strongly condemned:

That the College pays to have dead animals hauled to the farm, which are fed to the hogs, and in addition, have bought decrepit animals for the purpose of butchering and feeding to the hogs, and that those hogs were then butchered and fed to the student body on the tables of the dormitory. While the flesh of such hogs may be wholesome and healthful, it can in no way be inviting to the appetite.

Nepotism.

In the course of our investigation we found that the Dean of the College employed, or caused to be employed, his wife in the College Store, which is owned and operated by the State, and paid her a flat salary of One Hundred Forty Dollars (\$140.00) per month sometimes, and at other times paid her a per diem rate of seventy-five cents (75c) per hour, while other assistant employes, doing the same class of work, received only twenty-five cents (25c) per hour.

We further find that the Dean purchased, or caused to be purchased, for the John Tarleton, Jr., Agricultural College, a second-hand wagon from his father, and a little Jersey heifer from his father-in-law, at prices much in excess of their true values, and had same shipped a con-

siderable distance to the said College.

We further found that the vouchers issued or caused to be issued by the Dean of the John Tarleton, Jr., Agricultural College, in payment of property bought from his father and from his father-in-law, were taken from the regular files a few days prior to the meeting of your committee and with other questionable papers, deposited in a safe. This act delayed the auditors in finding said papers. We believe the spending of the aforesaid funds to be not only in violation of the spirit of the law, but a violation of the Anti-nepotism Statute.

In view of our findings and as a result of our investigation which shows a condition existing in the John Tarleton, Jr., Agricultural College and among the citizens of Stephenville and the surrounding country that is highly detrimental to the welfare and best interests of said College, which situation has brought about serious criticism and dissensions; therefore, we feel it our duty to recommend to the Regular Session of the Fortieth Legislature that a change in the management of the John Tarleton, Jr., Agricultural College should be effected.

Signed, on the part of the House:
WEBB.
GRAVES.

Signed on the part of the Senate:
HARDIN.
MILLER.

One member present not voting.

A. C. UPLEGER & CO.
Certified Public Accountants.
First State Bank Building,
Waco, Texas, Dec. 20, 1926.

To the Legislative Committee, Authorized to Investigate John Tarleton Agricultural College, by House Concurrent Resolution No. 6, Senator Carl Hardin, Chairman, Gentlemen:

In accordance with our engagement, we present herewith a report of our investigation of the affairs of John Tarleton Agricultural College at Stephenville, Texas. This investigation was made in accordance with your authorization, extended through House Concurrent Resolution No. 6 of the First Called Session of the Thirty-ninth Legislature of the State of Texas.

Our investigation was conducted

along specific lines and was directed at a series of special items to be investigated, particularly with reference to items outlined in House Concurrent Resolution No. 6.

Blanket Tax.

There is levied and collected by the John Tarleton Agricultural College fees in the sum of \$33.50 for the first year students, which has been reduced in the past year to \$31.50. Second and third year students were required to pay \$30.50, which has subsequently been reduced to \$28.50. Included in the above-mentioned fees is a fee of \$14.50 per year, which is known as a Blanket Tax. Of this amount \$6.00 goes to an account known as Athletic, \$4.00 to the Annual, \$3.00 to the Lyceum and \$1.50 to the J. Tac, the official publication of the college. We found in the course of our investigation that this blanket tax was used up by the various departments designated and that in no year did the college receive any of this back except in the case of the Lyceum Course and the hospital. For example, in 1926 the lyceum course returned to the college \$495.17 and the hospital \$502.74. In other years we presume an equal amount was distributed back to them. This indicates that the student is being overcharged to some extent for those particular activities. In our opinion the college authorities saw that there was an overcharge, and therefore reduced the charge for hospital. On folio 8 will be found a detail for the past five years, covering the hospital, which shows that \$8,830.44 of the fees paid in by the student for hospital purposes was transferred over to the Free Surplus Account of the college, from which it was charged out as directed by the college authorities. The question of Free Surplus will be taken up later in our report.

This indicates one of two things: either the charges are not properly distributed to these accounts, or else the student is paying for something that he does not get. The limited time of our audit and the limited funds placed at the disposal of the committee by the Legislature made it inadvisable for us to determine whether the charges were correctly distributed, and therefore we assume that the charging of the items was correct, which leads to the alter-

native conclusion offered above. In treating this alternative we find that according to the resolution the students of John Tarleton Agricultural College are compelled to pay in addition to a large maintenance fee a student activity fee of \$14.50 to finance foot-ball and other student activities. No other conclusion can be reached after reading the catalogue, which states "Registration is not complete until the student has paid his fee for the ensuing semester." The evidence on the books, in our opinion clearly shows that the students were compelled to pay that, and only in isolated cases was the money remitted to them. We do not believe that this fee was necessary to the actual support of the college, as in our opinion the college is adequately supported by legislative appropriation.

Students are Unable to Finance Foot Ball Games and Other Sports.

This charge is clearly shown by the fact that the records of the college show that students are working their way through college and offering their services to the State at the rate of 25 cents per hour. It is assumed that four hours per day would be about all the extra time a student would have, and therefore on the basis of his receiving \$1.00 per day, which is at the rate of 25 cents per hour, it would take him 33½ days to work out his fees alone. If this is a compulsory fee it is easily seen that these students can ill afford to finance sports.

Medical and Hospital Fees.

On page 8 of this report will be found a complete analysis of the hospital fees collected by the college. This shows that there was received during the five years \$12,383.15, of which \$1,000.00 went to hospital equipment, \$500.00 to hospital expense, \$1,000.00 as a general charge to hospital, and \$1,052.71 which went to salaries. The remainder was transferred to free surplus to be disposed of at the will of college authorities. We did not attempt to analyze the hospital account proper, but our investigation clearly showed to us that the hospital was adequately financed by appropriations from the State, except insofar as improvements to the hospital were concerned. According to the catalogue hos-

pital and medical fees are used to equip and maintain special rooms for the sick, and the hospital fee will cover expenses incurred in hospital and nurse's service only. No part of this fee should under any circumstances be used to pay drug bills and medicine bills other than that used by the nurse in the hospital. These fees, as outlined above, are not used for the purposes designated in the catalogue.

Extravagant and Wasteful Expenditure of Public Funds.

We found in the course of our investigation that the allegation referred to in the resolution was true in regard to extravagant and wasteful expenditure of public funds so far as our directions permitted us to examine the situation. For example, we were requested to ascertain whether the college paid \$175.00 plus freight, for a certain cow, and \$59.05, plus freight for a certain wagon, as it was understood that those prices were high for the particular items purchased. Our investigation showed that they did purchase the above articles at the aforementioned prices. These were the only items that we were requested to investigate. A general investigation of a charge of this nature would require more time than we were able to give under the circumstances.

Traveling Expense.

We submitted to the Investigating Committee a detail of the traveling expense of Dean J. Thomas Davis, and found that the allegations were true. We found that it was customary for the Legislature to appropriate \$250.00 for traveling expense, and that his expense usually ran three and four times the amount of that appropriation. We also found vouchers for shaves, shaves, and other items, as outlined in the resolution. These vouchers were all transferred to the Legislative Committee and are made a part of their report.

Nepotism.

We found this to be correct and transferred over to the Legislative Committee vouchers showing that Dean Davis employed, or caused to be employed through Mr. W. E. Moody, his wife and son. Vouchers indicate that his wife at times received a flat salary of as high as

\$140.00 per month, and at other times worked on a per diem rate of 75 cents per hour. In addition to the employment of his wife and son, we found that he purchased material from his father and from his father-in-law. We will, however, state that we found that on very few occasions did he employ his son, and the only vouchers we found relating to the purchase of material from his father and from his father-in-law were the two above-mentioned. There may have been others, of course, but these were the only two that were brought to our attention for investigation. It may be said that the college store in which Mrs. Davis worked is not properly a college activity, but that is not the case in John Tarleton Agricultural College, because the store is owned and controlled by the college and not by a separate incorporation, as is the case in the University Co-Op at the University of Texas. All profits that accrue from the sale of material from the college store at Stephenville go to the college proper, and therefore become state property.

College Store.

Our investigation showed that the college store was being run on a profit-making basis during the five years ending August 31, 1926. According to reports of the auditors there were accumulated profits in the amount of \$14,475.44. Our investigation showed that they employed a manager and assistant manager and extra help. If the extra help was student help they paid 25 cents per hour for it, and if Mrs. Davis was employed they paid her 75 cents per hour.

Incidental Fees.

During the past five years there were collected incidental fees amounting to \$31,652.25, which were distributed \$16,871.63 to Surplus and the remainder as shown in the distribution on page 4, which showed that the dean's office received \$1,358.50, care of grounds \$2,600.00, etc. According to the catalogue incidental fees are used to defray administrative and overhead expense. Of the entire amount \$1,338.50 for the dean's office, \$1,358.50 for the fiscal office, \$543.40 for the associate dean are the only items that in our opinion can be classed as admini-

strative. Overhead expense is such an indeterminable title that it is impossible for us to classify this. Care of grounds, commencement, catalogues and repairs can easily be interpreted as overhead expense, but certainly mathematics, egg-laying contest, oratory, debates, exhibits, improvements and free surplus cannot be classed as overhead expense, and these items made up a great part of the incidental fees, therefore funds are diverted from the purposes outlined in the catalogue to other purposes.

Registration Fees.

Our investigation showed that there was collected in registration fees \$17,202.00, of which \$1,823.30 went to the Dean's office, \$13,912.15 to free surplus and the remainder as shown on Folio 5 of our report. According to the catalogue the registration fees are used to maintain expense of registration, reports and record keeping of students. Of the entire amount collected only \$482.50 went for the purpose designated in the catalogue.

Change of Course Fees.

Our investigation showed that \$1,337.00 was received in change of course fees, of which \$116.00 went to the Dean's office, \$880.00 to surplus, and the remainder as shown in distribution on Folio 6.

Late Registration Fees.

Our investigation showed that during five years there was collected \$616.00 in late registration fees, all of which was transferred to free surplus.

Library Fees.

Our investigation showed that there was collected in library fees during the five years \$6,162.40, all of which was transferred to free surplus account, indicating that the library was adequately supported by legislative appropriation. In addition to this, we might state that the over-appropriation of the Legislature amounted during 1922, 1923 and 1924 to \$2,061.94, and that this amount was transferred to free surplus. According to the catalogue, library fees are used to replace losses in library due to daily wear and tear in fixtures. None of the library fees

appear to have been used for that purpose.

Physics Laboratory Fees.

Our investigation showed that during 1926, when the Physics Laboratory fee was put into effect, \$306.00 in fees was collected, all of which was transferred to free surplus.

Manual Arts Laboratory Fees.

Our investigation showed that \$263.75 was collected in manual arts laboratory fees, all of which went to manual arts except \$1.75, which went to free surplus.

Biology Laboratory Fee Receipts.

The Biology Laboratory fee receipts for 1926 amounted to \$381.50, all of which went to free surplus.

Chemistry Laboratory Fees.

During the five year period there was collected in Chemistry Laboratory fees, \$8,931.04, \$5,940.00 of which went to free surplus, \$900.00 to Physics Laboratory, \$300.00 to Mathematics, \$1,000.00 to Chemistry Laboratory, \$200.00 to Home Economics and \$591.04 to Biology. According to the catalogue Chemical Laboratory fees are used to replace losses in laboratory and classrooms, due to daily wear and tear on furniture and general fixtures, as noted above, but a very small percentage of the Chemistry Laboratory fees were used for the purposes designated.

Expression and Public Speaking Fees.

During the three year period ending in 1926, \$2,840.79 was collected in Expression and Public Speaking fees, of which \$1,377.90 was transferred to free surplus, \$900.00 to salaries, and \$562.89 to expense and refund.

Tuition and Fine Arts Fees.

Our investigation showed that during the four year period ending in 1926, \$27,795.42 was collected in tuition and Fine Arts fees, of which \$14,679.58 went to free surplus, \$600.00 to truck maintenance, \$8,843.75 to salaries, \$2,772.09 to refund and expense, and \$900.00 to band. This is all detailed on Folio 15.

Dormitory Room Rent.

Our investigation showed that during the four year period ending in 1926, there was collected from dormitory room rent \$26,301.61, of which \$13,504.10 went to free surplus and the remainder as detailed on Folio 16.

Transfer of Balances.

Our investigation showed that if any department had an unused appropriation the college authorities transferred that to some other department, in order to use the entire appropriation. While we do not believe that it was the intention of the Legislature to transfer items indiscriminately, nevertheless the privilege was accorded to them under strict interpretation of the law granting the appropriation permitting them to transfer items out of an account in a certain division to another account in the same division, thereby eliminating the work of itemizing the entire appropriation. As far as actual effect is concerned they might just as well have made the appropriation in three divisions. For example, a certain amount was appropriated in 1926 for the salary of the Registrar, and a certain amount for the salary of nurse. The Registrar did not use \$200.00 of his appropriation and it was therefore transferred over to the nurse, who was given a higher salary. The budget did not include the salary for one of the English teachers, and accordingly the teacher was employed and received \$125.00 per month, which was transferred out of Fine Arts. Tuition and other fees.

Invoices.

We found in many cases that the college paid bills made out to "J. Thos. Davis," "Dean Davis" and "J. Thos. Davis, Dean," clearly showing that the name was used interchangeably. There was no way for us to determine whether the merchandise was purchased for the college or for the Dean personally, and in our opinion the college authorities had no authority to pay bills other than those made out to the college itself, and that in paying bills invoiced to J. Thos. Davis, Dean, they exceeded their authority. This is a practice which we cannot condemn too severely.

ly. We found also in this connection a number of gasoline tickets signed by Dean Davis and by his son, showing that they had their automobile tanks filled with gasoline, and had signed them in their own personal name, and that the college had been charged with the gas and had paid the account and charged it to Truck Maintenance and other college expenses. This was also true for automobile tires and other merchandise purchased, and we have no way of determining whether material was purchased for the college or for the Dean, but the inference was that it was purchased personally, or otherwise it would not have been signed and billed as a personal obligation.

Smith-Hughes Refund.

We found in our investigation that during the past four years there had been received from the Smith-Hughes fund the sum of \$6,393.94. Our understanding of this is that this is to be used for vocational training. We, however, found that of the \$6,393.94 only \$2,043.83 went to salary, \$2,529.46 went to surplus, \$1,621.66 to capital assets and \$200.00 to expense, as shown in distribution on Folio 17.

Contingent Accounts.

On Folio 18 will be found a detail of the distribution from the Contingent Accounts, showing how each year's appropriation was transferred and what accounts took up the surplus funds.

Free Surplus.

On the books of the college was an account called the Free Surplus Account, into which was transferred the debit or credit balance on each account. On Folio 1 will be found the debit balances transferred, and on Folio 2 the credit balances transferred. For example, we find that there was transferred from the va-

rious fee accounts during the five year period into Free Surplus \$52,785.70, from the dining hall \$15,940.08, from dormitories \$16,263.15, from tuition \$17,985.28, and so on. The entire amount transferred from the various accounts was \$138,593.72. There was transferred out of the free surplus \$44,062.84 for improvement and equipment, \$16,399.65 for salaries, \$12,801.27 for heat, light and power, \$11,754.65 for the dean's home, \$1,386.61 for the dean's office, \$6,745.14 for truck maintenance, and so on, making a total distribution of \$134,015.87. Thus it is easily seen that practically all of the fees paid in by the students went for improvement and equipment, and if no fees had been charged there still would have been an opportunity to build buildings and add equipment amounting to thousands of dollars. A full detail of the free surplus account is found on Folios 1 and 2 of our report.

Conclusion.

It is, therefore, seen from this report that the allegations as made in House Concurrent Resolution No. 6 of the First Called Session of the Thirty-ninth Legislature are sustained, and that other conditions existed which warranted calling for the investigation. The limited time placed at our disposal for this investigation made our audit incomplete in many respects, but we believe that the report discloses sufficient information for the legislature to make such disposition as it may desire.

If there is anything that is not brought out in the report that the Committee feels should be made clear it will be our pleasure to submit it.

Respectfully submitted,
A. C. UPLEGER & CO.
Certified Public Accountants.
By A. C. UPLEGER.
C. P. A.

ANALYSIS OF SURPLUS ACCOUNT.

DISBURSEMENTS.

	1922.	1923.	1924.	1925.	1926.	Total.
Disbursed on voucher.....	\$ 735.94					\$ 735.94
Interest, notes and accounts.....	435.64					435.64
Dean's office.....	531.00	\$ 738.20	\$ 117.41			1,386.61
Salaries.....	381.99	4,640.03	6,830.21	\$ 410.91	\$ 4,136.51	16,399.65
Administrative expenses.....	62.49	204.74	9.23		20.42	296.88
Contingent.....	365.49					365.49
Farm and animal product.....	1,168.43	626.73	6.23		1,404.34	3,205.73
Education.....	660.77	1,173.79	194.67	157.65	241.02	2,427.90
Catalogs.....	181.98		2,567.63			2,749.61
General expense.....	2,736.15	6,087.26	2,923.50	40.68		11,787.59
Improvement and equipment.....	3,532.38	12,969.21	11,458.74	4,000.00	12,102.51	44,062.84
College activities.....	591.69	1,427.11	2,071.84		300.00	4,390.64
Truck maintenance.....	560.17	1,981.54	2,085.68		2,117.75	6,745.14
Hospital.....		1,094.89	216.57	1,573.46		2,884.92
Summer school.....		1,600.30	615.00	4,239.00	491.00	6,945.30
Heat, light and power.....			8,549.33	3,895.35	356.59	12,801.27
Dean's home.....			11,754.65			11,754.65
Repairs to buildings.....			955.75	552.89		1,508.64
Fire protection.....			39.82		1,291.61	1,331.43
Tarleton egg laying contest.....					1,800.00	1,800.00
	\$ 11,944.12	\$ 32,543.80	\$ 50,396.26	\$ 14,869.94	\$ 24,261.75	\$134,015.87
Closing balance.....	16,528.68	14,793.10	4,168.67	16,111.09	9,089.53	60,691.07
	\$ 28,472.80	\$ 47,336.90	\$ 54,564.93	\$ 30,981.03	\$ 33,351.28	\$194,706.94

RECEIPTS.

	1922.	1923.	1924.	1925.	1926.	Total.
Balance.....	\$ 4,511.68	\$ 16,528.68	\$ 14,793.10	\$ 4,168.67	\$ 16,111.09	\$ 56,113.22
Interest, notes and accounts.....	269.27	19.63	544.33	1,206.17	975.77	3,017.17
Fees.....	8,561.28	10,102.54	17,027.50	7,281.55	9,212.83	52,785.70
Library.....	861.20	1,152.70	48.04			2,061.94
Athletic.....	91.31	263.53				354.84
Vocational training.....	738.50					738.50
Dining hall.....	1,906.59	3,673.92	5,671.27	4,688.30		15,940.08
Educational.....	7,598.48	115.12	633.32	335.79	213.84	8,696.55
Dormitories.....	2,562.49	4,057.50	4,757.99	4,727.03	158.14	16,263.15
General expense.....	199.22	1,027.02	82.35	507.24	818.97	2,634.80
Improvement and equipment.....	72.51	1,000.00		4.68	687.98	1,765.17
College activities.....	55.00	533.93	88.27	462.76	1,129.65	2,269.61
Special support and maintenance.....	1,045.27	2,263.45	1,265.78	311.42	576.06	5,461.98
Tuitions.....		6,118.88	8,034.51	2,819.84	1,012.05	17,985.28
Smith-Hughes Refund.....		480.00	405.67	300.00	1,343.79	2,529.46
Administrative expenses.....			41.04	1,647.21	89.61	1,777.86
Local operating.....			463.87		400.00	863.87
Salaries.....			107.89	914.94		1,022.83
Cash.....					621.50	621.50
Hospital.....				12.15		12.15
Dean office.....				1,525.28		1,525.28
Miscellaneous.....				66.00		66.00
	\$ 28,472.80	\$ 47,336.90	\$ 54,564.93	\$ 30,981.03	\$ 33,351.28	\$194,706.94

Incidental Fees (Transferred)

Receipts:

1926 .	\$ 8,719.00
1925 .	7,418.50
1924 .	6,367.75
1923 .	5,124.00
1922 .	4,023.00
	<u>\$31,652.25</u>

Transferred To:

1926

Care of Grounds	\$ 1,500.00
Band .	500.00
Commencement Expense	200.00
Catalogs .	1,000.00
Poultrymans Home	800.00
Repairs .	150.00
Door Stops	6.15
Exhibits and Advertising	400.00
Campus Improvement	200.00
Catalogs .	1,200.00
Egg Laying Contest	700.00
Surplus .	2,062.85
1925	
Dean .	1,358.50
Campus .	1,100.00
Fiscal Office	1,358.50
Associate Dean	543.40
Catalogs .	1,700.00
Janitor Supplies	75.00
Exhibits .	800.00
Mathematics .	425.00
Surplus .	58.00
1924	
Surplus .	6,367.75
1923	
Surplus .	5,124.00
1922	
Expense and Refund	664.07
Oratory and Debate	100.00
Surplus .	3,258.93
	<u>\$31,652.25</u>

Incidental Fees (Transferred)

Recapitulation:

Care of Grounds	\$ 2,600.00
Band .	500.00
Commencement .	200.00
Catalogs .	3,900.00
Improvements .	1,006.15
Repairs .	150.00
Exhibits .	1,200.00
Egg Laying Contest	700.00
Dean .	1,358.50
Fiscal Office	1,358.50
Associate Dean	543.40
Janitor .	75.00
Mathematics .	425.00
Oratory and Debates	100.00
Surplus .	16,871.63
On Vouchers	664.07
	<u>\$31,652.25</u>

Transfer of Fees (Registration)

Receipts:

1926	\$ 4,762.00
1925	4,359.00
1924	3,374.00
1923	2,566.00
1922	2,141.00

\$17,202.00

Transferred To:

1926	
Dean	\$ 800.00
Associate Dean	50.00
Audit	480.85
Surplus	3,431.15
1925	
Dean	1,023.30
Registration	482.20
File Protection	453.50
Surplus	2,400.00
1924	
Surplus	3,374.00
1923	
Surplus	2,566.00
1922	
Surplus	2,141.00

\$17,202.00

Recapitulation:

Dean	\$ 1,823.30
Associate Dean	50.00
Audit	480.85
Registrar	482.20
Fire Protection	453.50
Surplus	13,912.15

\$17,202.00

Change of Course Fee

Receipts:

1926	\$ 473.00
1925	366.00
1924	242.00
1923	118.00
1922	138.00

\$ 1,337.00

Transferred To:

1926	
Registrar	\$ 225.00
Surplus	248.00
1925	
Deans Office	116.00
Fiscal Office	116.00
Surplus	134.00
1924	
Surplus	242.00
1923	
Surplus	118.00
1922	
Surplus	138.00

\$ 1,337.00

Recapitulation:

Registrar	\$ 225.00
Dean	116.00
Fiscal Office	116.00
Surplus	880.00

\$ 1,337.00

Late Registration Fees

Receipts:	
1926 .	\$ 106.00
1925 .	132.00
1924 .	122.00
1923 .	118.00
1922 .	138.00

All Transferred to Free Surplus. \$ 616.00

Medical Fees

Receipts:	
1926 .	\$ 2,478.00
1925 .	3,118.50
1924 .	3,049.50
1923 .	2,356.50
1922 .	1,380.65
	\$12,383.15

Transferred To:

1926	
Hospital Permanent Equipment	\$ 1,000.00
Hospital Expense	500.00
Surplus .	978.00
1925	
Salaries .	1,052.71
Surplus .	2,065.79
1924	
Surplus .	3,049.50
1923	
Hospital .	1,000.00
Surplus .	1,356.50
1922	
Surplus .	1,380.65
	\$12,383.15

Recapitulation:

Surplus .	\$ 8,830.44
Hospital .	2,500.00
Salaries .	1,052.71
	\$12,383.15

Library Fees

Receipts:	
1926 .	\$ 1,180.95
1925 .	1,607.75
1924 .	1,485.75
1923 .	1,118.00
1922 .	769.95

All Transferred to Free Surplus. \$ 6,162.40

Physics Laboratory Fee

Receipts:	
1926 .	\$ 306.00
Transferred To:	
Surplus .	306.00

Manual Arts Laboratory Fee

Receipts:	
1926 .	\$ 263.75
Transferred:	
Manual Arts	\$ 262.00
Surplus .	1.75
	\$ 263.75

Biology Laboratory Fee

1926 to Free Surplus. \$ 381.50

Chemistry Laboratory Fees

Receipts:

1926	\$ 1,149.63	
1925	1,137.91	
1924	2,986.50	
1923	2,197.00	
1922	1,460.00	
		\$ 8,931.04

Transferred To:

1926		
Chemistry	\$ 500.00	
Home Economics	200.00	
Surplus	449.63	
1925		
Chemistry	500.00	
Mathematics	300.00	
Surplus	337.91	
1924		
Surplus	2,986.50	
1923		
Physics	700.00	
Biology	591.04	
Surplus	905.96	
1922		
Physics	200.00	
Surplus	1,260.00	
		\$ 8,931.04

Recapitulation:

Chemistry	\$ 1,000.00	
Physics	900.00	
Mathematics	300.00	
Home Economics	200.00	
Biology	591.04	
Surplus	5,940.00	
		\$ 8,931.04

Expression and Public Speaking Fees

Receipts:

1926	\$ 258.88	
1925	1,225.75	
1924	1,356.16	
		\$ 2,840.79

Transferred To:

1926		
Expense and Refund	\$ 162.78	
Surplus	96.10	
1925		
Expense and Refund	293.41	
Salary	900.00	
Surplus	32.34	
1924		
Expense and Refund	106.70	
Surplus	1,249.46	
		\$ 2,840.79

Recapitulation:

Expense and Refund	\$ 562.89	
Salary	900.00	
Surplus	1,377.90	
		\$ 2,840.79

Tuition—Fine Arts Dept.

Receipts:

1926	\$ 7,066.15	
1925	8,198.15	
1924	6,377.25	
1923	6,153.87	
		\$27,795.42

Transferred To:

1926		
Refund and Expense	\$ 1,168.50	
Salary	5,175.00	
Surplus	722.65	
1925		
Refund and Expense	803.00	
Bond	900.00	
Salary	3,668.75	
Truck Maintenance	600.00	
Fee Surplus	2,226.40	
1924		
Refund and Expense	218.50	
Surplus	6,158.75	
1923		
Refund and Expense	582.09	
Surplus	5,571.78	
		\$27,795.42

Recapitulation:

Surplus	\$14,679.58	
Refund and Expense	2,772.09	
Salary	8,843.75	
Bond	900.00	
Truck Maintenance	600.00	
		\$27,795.42

Dormitory Room Rent

Receipts:

1926	\$ 9,090.01	
1925	7,317.80	
1924	5,276.30	
1923	4,057.50	
		\$25,741.61
1924 Room Reserve	560.00	
		\$26,301.61

Expense and Transfers:

1926		
Equipment and Furniture	5,000.00	
Fire Insurance	1,117.93	
Remodeling Dormitory	467.89	
Dining Hall	2,443.55	
Surplus	60.64	
1925		
Insurance	789.83	
Janitor's Salary	1,900.00	
Surplus	4,627.97	
1924		
Furniture and Equipment	1,078.31	
Surplus	4,757.99	
1923		
Surplus	4,057.50	
		\$26,301.61

Recapitulation:

Equipment and Furniture	\$ 6,078.31	
Fire Insurance	1,907.76	
Remodeling	467.89	
Dining Hall Transfer	2,443.55	

Janitor's Salary	1,900.00	
Surplus	13,504.10	
		\$26,301.61
Smith-Hughes Refund		
Received:		
1926	\$ 2,487.61	
1925	1,992.33	
1924	1,434.00	
1923	480.00	
		\$ 6,393.94
Transferred To:		
1926		
Salary	\$ 1,143.82	
Surplus	1,343.79	
1925		
Salary	900.00	
Surplus	300.00	
Agricultural Building	592.33	
Exhibits	200.00	
1924		
Surplus	405.67	
Vocational Class Room	1,028.33	
1923		
Surplus	480.00	
		\$ 6,393.94
Recapitulation of Transfers:		
Salary	\$ 2,043.82	
Surplus	2,529.46	
Capital Assets	1,621.66	
Expense	200.00	
		\$ 6,394.94
Contingent Accounts		
1925-26		
Janitor's Supplies	\$ 500.00	
Dean of Women	250.00	
Military Science and Tactics	250.00	
Class Room Equipment	500.00	
Appropriation		\$ 1,500.00
1924-25		
Exhibits	\$ 800.00	
Physics	500.00	
Dormitory Expense	650.00	
Class Room Supplies	850.00	
Home Economics	680.00	
Mathematics	61.00	
Dormitory Furniture and Fixtures	200.00	
Military Science and Tactics	100.00	
Mimeograph	150.00	
	\$ 3,991.00	
Free Surplus	59.00	
Appropriation		\$ 4,050.00
1923-24		
Biology	\$ 391.04	
Mathematics	105.00	
Physics	400.00	
Class Room	500.00	
Dormitory	2,000.00	
Exhibits	600.00	
Machinery and Tools	53.96	
Appropriation		\$ 4,050.00

1922-23

Agriculture	\$ 200.00	
Special Supplies and Maintenance	300.00	
Farm Mechanics	400.00	
Exhibits	600.00	
Gymnasium	1,000.00	
Appropriation		\$ 2,500.00

Minority report of the Committee to investigate the affairs and management of John Tarleton Junior Agricultural College.

Austin, Texas, Feb. 2, 1927.

Hon. Barry Miller, President of the Senate

, and

Hon. R. L. Bobbitt, Speaker, House of Representatives.
Austin, Texas.

Gentlemen: We, as a member of your Joint Committee of the Senate and House of Representatives, appointed under House Concurrent Resolution Number Six, at the First Called Session of the Thirty-ninth Legislature, beg leave to make the following minority report; based on the evidence of witnesses and auditor's reports received in the investigation of the affairs and management of John Tarleton Junior Agricultural College at Stephenville, Texas.

House Concurrent Resolution No. 6, alleged:

1. Grave criticism of the management of John Tarleton College.
2. That Dean J. Thomas Davis had spent or allowed to be spent, excessive traveling expenses.
3. It alleged excessive college fees were collected, and wrongfully used.
4. It alleged that said college is being damaged and retarded in its growth under present management.

And the following facts as gained in our investigation are submitted as to whether or not the above charges are sustained.

Organization of Committee.

Complying with House Concurrent Resolution No. 6, of the First Called Session of the Thirty-ninth Legislature, the committee composed of,

Senator Carl Hardin,
Senator Eugene Miller,
Representative R. T. Graves,
Representative Henry E. Webb,
Representative Bowen Pope,
met in the city of Stephenville, Texas, November 15, 1926. Senator Carl

Hardin, of Stephenville, was elected chairman and Representative Bowen Pope was chosen secretary. A sergeant-at-arms, an assistant sergeant-at-arms, an auditor, an assistant auditor, and official reporter were employed. Motion prevailed that all sessions of the committee be strictly executive and all witnesses be required to take the usual oath used in a grand jury.

The auditors were instructed to proceed to the business offices of John Tarleton College and make thorough examination of the books pertaining to said college and report their findings.

There were twenty-three witnesses called before the Committee, most of whom were subpoenaed by the local members of the Committee. Seventeen of the witnesses were either at the time employed by the A. & M. College System or had been employees and included in that number were the present Business Manager and the present Dean, J. Thomas Davis. J. Thomas Davis through his Counsel, requested that his presence be permitted during the investigation, but this was denied, and Counsel requested that he be permitted to hear the proceedings for Dean Davis and this was denied. Counsel for Dean Davis then requested that he may be permitted to leave a brief, setting forth facts in answer to the allegations set forth in House Concurrent Resolution No. 6; such brief was allowed to be filed and although very exhaustive in its scope, dealing with each allegation in defense of the said J. Thomas Davis, no part however was considered by the Committee. Dean Davis therefore was not allowed to have summoned any witnesses in his behalf or any Counsel for his defense.

Concerning Alleged Grave Criticism of the Management.

As will be seen by investigation of the transcript of the testimony now on file with the President of the Senate, with the Speaker of the

House, and with the Secretary of State, it will be found that very much of such testimony is immaterial, petty, irrelevant, puerile, and of no consequence, coming chiefly from those who have been employed, or who have patronized the College and had become disgruntled, magnifying small things into proportions unreasonable, while on the other hand, much of the testimony contains strong statements in compliment to the management. Much of the testimony will show also elements of personal grudge and business rivalry very visible. We find no testimony that we consider "Grave Criticism" exists or has existed, except solely in two cases, wherein the Dean of the College allowed to be purchased a certain registered Jersey heifer from the father-in-law of the Dean at a price of \$175.00 as evidenced by voucher for that amount and the allowing of the purchase of a light second-hand farm wagon from the Dean's brother at \$59.00 as shown by voucher. Evidence and facts would not lead one to believe that any thought of personal gain was intended in these two cases, but that there was a desire on the part of the Dean to make such purchases in the interests of the College.

Concerning Alleged Excessive Traveling Expenses.

The facts gained through the investigation show that Dean J. Thomas Davis assumed control of John Tarleton College in 1919 and by reason of the fact of the expanding growth of the College in enrollment and influence, and being an agricultural college, the last few years there has been a heavy demand on the Dean or some other member of the faculty to attend such meetings as relate to agriculture and educational interests in this State, it was not possible to refuse such demands and maintain the growth and influence of the College. Notwithstanding these facts, we find for the fiscal year 1923-24, that the total traveling expenses show that only five hundred forty-eight dollars and fifty-eight cents (\$548.58) was expended, and for the fiscal year 1924-25 that the total traveling expenses show that only seven hundred and forty-five dollars and seventy-one cents (\$745.71) was expended, and that for the fiscal year ending Au-

gust 31, 1926, there was a total of one thousand, sixty-five dollars and ninety-four cents (\$1,065.94) used in traveling in the interests of the School. These sums were compiled by the Auditor from vouchers which in most cases show where and when and for what purpose such trips were made. Therefore, considering the standing and importance of the College and the long distances pertaining in Texas, we are lead to believe and do so declare, that the traveling expenses of Dean J. Thomas Davis and others of the College were not excessive.

Concerning Alleged Excessive College Fees.

The only way we have of ascertaining whether or not the fees charged the students of John Tarleton College are excessive, is by comparison with other colleges of the State. The answer to that charge is clear from the following total fees charged in other schools.

West Texas State Teachers College	\$ 36.00
North Texas State Teachers College	36.00
Southwest Texas State Teachers College	36.00
South Texas State Teachers College	36.00
East Texas State Teachers College	36.00
Sam Houston State Teachers College	36.00
State University	45.00
A. & M. Collgee.....	42.00
Texas Technological Institute	39.75
North Texas Agricultural College	39.75
John Tarleton Jr., Agricultural College	31.50
and an additional fee of \$4.00 is charged those taking Chemistry but to no others.	

It will be seen that John Tarleton College has the lowest total fees of any of the other Main Colleges. It was ascertained from various sources that the fee charges were in line with other colleges and that they were deposited to the local funds of the College and were used as is customary in other colleges; that no local funds were used for constructing any permanent buildings or structures at the College, except upon the permission of the Directors of A. & M. College. It is necessary that a

flexible free surplus fund be maintained to meet the varying contingencies constantly coming up about the College and this fund is made up by transferring an overplus from one item of appropriation in order that the free surplus fund may be available to meet appropriations in some other department. This fund therefore might show a large amount placed therein when covering a period of five years. This is true of every State College.

Concerning Alleged Retarding of College Growth.

Let the following facts answer for themselves. On September 1, 1919, J. Thomas Davis became Dean and head of John Tarleton Junior Agricultural College and has administered the College continuously ever since. The total enrollment for the regular and summer sessions since then are as follows:

1919-20	611
1920-21	740
1921-22	900
1922-23	1,063
1923-24	1,192
1924-25	1,255
1925-26	1,317

And on November 15, 1926, there were about 730 students attending the Regular Session, a larger number than has ever enrolled before. These facts would lead us to believe that the citizenship of that section of Texas immediately adjacent to Stephenville and John Tarleton College, have confidence in the management, and influence of the School.

Concerning Other Matters.

College Farm.

Witness Dr. Scott, who has been with the College since 1921 as instructor in veterinary medicine, testified concerning the practice of slaughtering animals for "tankage," to be fed to hogs, was a well established practice all over the nation and had long prevailed at A. & M. College of Texas, and that all slaughter houses of small towns feed worse material to their hogs, whereas the "tankage" produced from discarded animals was thoroughly prepared by long cooking and was properly fed, that there was no difference in the tissue produced from such feeding than from other feeds: that such hogs are always fed on some hard

grain food for about thirty days before being slaughtered or placed on the market; testimony shows that no hogs are slaughtered for, or have been slaughtered for dormitory use since in 1925, but are sold on the Ft. Worth market.

College Store.

The college maintains a form of "Co-Op store" in which there is a government post office, all for the convenience of college life. Evidence shows that this has developed from practically no capital to a business of extensive proportions. It was found that this store does not sell clothing or needed school materials at a price higher than pertains in the down town stores, but in many cases less; that a manager is employed by the dean whose salary is paid from the store's income. The success of the store rests on the manager who has the sale authority to employ such help as he may need. It was found that at certain times, experienced, dependable assistants had to be employed and the manager found no one better acquainted with the courses of study, and whose dependability and services excelled that of Mrs. J. Thomas Davis. Therefore, the testimony that she was employed at irregular intervals at a salary in keeping with her ability, but at no time was it shown to be more than seventy-five cents when such work was done by the hour. Therefore, under such conditions, we do not believe her services would in any way be a violation of the Anti-Nepotism Law.

Auditors report.

By examination of the auditor's report which was made by Mr. A. C. Upleger, a certified public accountant, it will be found that it contains no facts or figures or balances other than regular and such as would be found in any and every college of this State.

Conclusion.

Therefore, in view of our findings, as can be verified by reading the records filed as indicated above, we feel that we can do nothing but commend and express our appreciation and confidence in the Hon. J. Thomas Davis, Dean of John Tarleton Junior Agricultural College and in view of the fact that it was under his administration that this State College has grown to be the leading junior

college of the South, we conclude that the allegations set forth in House Concurrent Resolution No. 6, above mentioned are in no way sustained.

SIGNED, on the part of the House.
POPE.

THIRTY-SIXTH DAY.

Senate Chamber,
Austin, Texas, March 8, 1927.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Wirtz.

S. B. No. 475, A bill to be entitled "An Act providing the force and effect as evidence of instruments conveying or purporting to convey real estate, or any interest therein, which instruments have been actually recorded for twenty years or more and under which such real estate or interest therein, has been claimed during such period without the assertion by actual possession thereof, or a suit therefor, of any claim or in-

consistent to the one evidenced by any such instrument; etc., and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Reid.

S. B. No. 476, A bill to be entitled "An Act changing the times of holding the terms of the district court in the Sixty-ninth Judicial District of Texas; enacting necessary provisions in reference to process, writs, bonds, recognizances and in reference to grand and petit jurors, etc., and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Wirtz.

S. B. No. 477, A bill to be entitled "An Act creating a special road law for Caldwell County, Texas, requiring surety bonds of road overseers; containing provision that said county may fund the legal indebtedness outstanding against its road and bridge fund as of January 1, 1927; setting forth the method of said operation and declaring an emergency."

Read first time and referred to Committee on Highways, and Motor Traffic.

By Senator Smith.

S. B. No. 478, A bill to be entitled "An Act making provision for a district attorney in the Ninetieth Judicial District of Texas and an assistant district attorney in said district, etc., and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Love.

S. B. No. 479, A bill to be entitled "An Act amending the local road law of Dallas County so as to better provide for construction, reconstruction and repair of dirt roads connecting with the pikes or hard surface roads in said county, etc., and declaring an emergency."

Read first time and referred to Committee on Highways and Motor Traffic.

Messages From the House.

The Chair recognized the Doorkeeper who introduced a messenger from the House with the following messages: